

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CLARENCE D. JOHNSON,

Plaintiff,

v.

JOE BIDEN,  
QUEEN ELIZABETH, et al.,

Defendants.

NO: 2:21-CV-0091-TOR

ORDER OF DISMISSAL WITH  
PREJUDICE

On February 16, 2021, Plaintiff filed a Complaint, an Application to Proceed In Forma Pauperis, and a Motion for Indigency. ECF Nos. 1, 2, 3. Plaintiff is proceeding pro se and resides in Chicago.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal (i) is frivolous or malicious or (ii) fails to state a claim upon which relief may be granted. A complaint fails to state a claim upon which relief may be granted if it lacks a cognizable legal theory or lacks sufficient facts to support a cognizable legal theory. *Balistreri v. Pacifica*

1 *Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1990). Plaintiff's Complaint does not  
2 state a cognizable legal theory, i.e., short plain statements showing the court's  
3 jurisdiction and the grounds for relief. *See* Fed. Rule Civ. Pro. 8(a). The Court  
4 finds any attempt at amendment would be futile.

5 **Accordingly, IT IS HEREBY ORDERED:**

6 1. This action is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C.

7 § 1915(e)(2)(B) as it is frivolous and malicious.


8 2. Plaintiff's Application to Proceed In Forma Pauperis and Motion for  
9 Indigency, ECF Nos. 2, 3, are **DENIED** as moot.

10 3. Plaintiff is advised that the filing of further frivolous actions will result in  
11 the imposition of more serious sanctions than dismissal.

12 The District Court Executive is hereby directed to enter this Order, enter  
13 Judgment, furnish copies to Plaintiff, and **CLOSE** the file.

14 **DATED** February 23, 2021.



  
THOMAS O. RICE  
United States District Judge